

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

THERESA KUBIAK and JOANN STEVENSON,

Plaintiffs,

v.

Case No. 07-CV-14261-DT

MEDICAL STAFFING NETWORK, INC.,

Defendant.

**ORDER TERMINATING AS MOOT “DEFENDANT’S MOTION
TO STRIKE PLAINTIFFS’ CLAIM FOR ATTORNEYS’ FEES”**

On October 9, 2007, Plaintiffs Theresa Kubiak and Joann Stevenson filed a one-count breach of contract claim against Defendant Medical Staffing Network, Inc. Defendant filed its answer and a November 15, 2007 “Motion to Strike Plaintiffs’ Claim for Attorneys’ Fees.” In its motion, Defendant objects to the concluding line in Plaintiffs’ complaint, where Plaintiffs “demand judgment against Defendant in whatever amount they are found to be entitled, plus costs, interest and attorney’s fees,” (Pl.’s Compl. at 10), because Defendant contends there is “no basis for recovery of attorneys’ fees” in the contract, statute or the court rules, (Def.’s Mot. Strike at 1).

During the December 20, 2007 scheduling conference, the court discussed with the parties Defendant’s pending motion to strike, not yet answered by Plaintiffs. The court is of the view that the complaint’s passing request for attorneys’ fees is unnecessary. However, while Plaintiffs’ request is unlikely to be successful, its insignificance will not cause Defendant prejudice. It need not be stricken. Accordingly,

IT IS ORDERED that “Defendant’s Motion to Strike Plaintiffs’ Claim for Attorneys’ Fees” [Dkt. # 9] is TERMINATED AS MOOT.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: January 4, 2008

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, January 4, 2008, by electronic and/or ordinary mail.

s/Lisa G. Wagner
Case Manager and Deputy Clerk
(313) 234-5522